



# भारत का राजपत्र

## The Gazette of India

धर्माधारण

EXTRAORDINARY

भाग II-खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रस्तुत संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

The following Bill was introduced in the Rajya Sabha on the 3rd December, 1969:—

BILL NO. XXIX OF 1969

*A Bill further to amend the Drugs and Cosmetics Act, 1940.*

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Drugs and Cosmetics (Amendment) Act, 1969.

23 of 1940.

2. In the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act), in section 1,—

(i) in sub-section (2), the words “except the State of Jammu and Kashmir” shall be omitted;

(ii) to sub-section (3), the following proviso shall be added, namely:—

“Provided that in relation to the State of Jammu and Kashmir, Chapter III shall take effect only from such date after the commencement of the Drugs and Cosmetics (Amendment) Act, 1969, as the Central Government may, by notification in the Official Gazette, appoint in this behalf.”.

3. In section 3 of the principal Act, clause (d) shall be omitted.

Short title.

Amend-  
ment of  
sec-  
tion 1.Amend-  
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sec-  
tion 3.

Inser-  
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Construc-  
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the State  
of Jammu  
and  
Kashmir.

Repeal  
and  
saving.

**4. After section 3 of the principal Act, the following section shall be in-  
serted, namely:—**

“3A. Any reference in this Act to any law which is not in force,  
or any functionary not in existence, in the State of Jammu and  
Kashmir, shall, in relation to that State, be construed as a reference  
to the corresponding law in force, or to the corresponding functionary  
in existence, in that State.”.

**5. (1) On and from the date on which any of the provisions of the  
principal Act take effect in the State of Jammu and Kashmir, the corres-  
ponding provisions, if any, contained in the Jammu and Kashmir Drugs  
Act, 2000, shall stand repealed.**

**(2) The repeal of any provisions contained in the Jammu and Kashmir  
Drugs Act, 2000, under sub-section (1), shall not affect—**

**(a) the previous operation of the provisions so repealed or any-  
thing duly done or suffered thereunder;**

**(b) any right, privilege, obligation or liability acquired, accrued  
or incurred under the provisions so repealed;**

**(c) any penalty, forfeiture or punishment incurred in respect of  
any offence committed against the provisions so repealed; or**

**(d) any investigation, legal proceeding or remedy in respect of  
any such right, privilege, obligation, liability, penalty, forfeiture or  
punishment as aforesaid;**

and any such investigation, legal proceeding or remedy may be instituted,  
continued or enforced, and any such penalty, forfeiture or punishment  
may be imposed as if the said provisions had not been repealed:

Provided that anything done or any action taken (including any ap-  
pointment made, notification issued or rule made) under the provisions  
so repealed shall be deemed to have been done or taken under the cor-  
responding provisions of the principal Act as amended by this Act and  
now extended to the State of Jammu and Kashmir and shall continue to  
be in force accordingly unless and until superseded by anything done or  
any action taken under the principal Act as amended by this Act.

Jammu  
and  
Kashmir  
Act 20  
of 2000  
(1940 AD).

### STATEMENT OF OBJECTS AND REASONS

The Drugs and Cosmetics Act, 1940, at present, does not extend to the State of Jammu and Kashmir. The subject-matter of that Act falls also under entry 19 of the Concurrent List which has been made applicable to that State only in 1967 by the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1967. It is now proposed to extend the Drugs and Cosmetics Act, 1940, to the State of Jammu and Kashmir, so as to ensure uniformity in the matter of enforcement of standards of drugs and cosmetics manufactured in the country.

2. The Bill seeks to achieve the above object.

NEW DELHI;

*The 24th September, 1969.*

K. K. SHAH.

### FINANCIAL MEMORANDUM

According to the Drugs and Cosmetics Act, 1940, the State Governments enforce the control measures relating to manufacture, distribution and sale of drugs and cosmetics and the Central Government regulates the importation of drugs and cosmetics. For enforcing the provisions relating to importation of drugs and cosmetics under Chapter III of the said Act, there is already an existing organization. By the extension of the Act to the State of Jammu and Kashmir by clause 2(i) of the Bill, no additional appreciable expenditure is likely to be involved since the existing organization itself could be utilised in relation to the State of Jammu and Kashmir also. However, some expenditure towards miscellaneous items like travelling allowance, etc., may have to be incurred. The expenditure on this account is not likely to exceed rupees one thousand per annum. There will be no non-recurring expenditure.

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B. N. BANERJEE,  
*Secretary.*